

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	Docket No. 04-12097-GAO
Plaintiff	)	
and	)	
	)	
JOHN BALDWIN, LEONARD BELL,	)	
JOHANNES KAINDOH, AND WAYNE	)	
HENDERSON,	)	
Intervenor Plaintiffs,	)	
	)	
v.	)	
	)	
WASHINGTON GROUP	)	
INTERNATIONAL, INC., and	)	
RON BENNETT, individually,	)	
MICHAEL FOGARTY, individually and	)	
DENNIS WOODRUFF, individually	)	
Defendants	)	

**OPPOSITION OF PLAINTIFF INTERVENORS, JOHN BALDWIN, LEONARD BELL, WAYNE HENDERSON, AND JOHANNES KAINDOH TO THE MOTION TO WITHDRAW AS COUNSEL FOR INDIVIDUAL DEFENDANT, DENNIS WOODRUFF AND REQUEST FOR HEARING**

NOW COME the Plaintiff Intervenor, John Baldwin, Leonard Bell, Wayne Henderson, and Johannes Kaindoh and file this Opposition to the Defendants' Motion to Withdraw as Counsel for Individual Defendant, Dennis Woodruff.

**INTRODUCTION**

The Equal Employment Opportunity Commission (hereinafter "EEOC") filed a Complaint in federal court on behalf of six Plaintiff Intervenor, and other similarly situated persons, on or about September 31, 2004. In addition to naming Defendant, Washington Group International (hereinafter "WGI"), four of the six Plaintiff Intervenor, John Baldwin, Leonard Bell, Wayne Henderson, and Johannes Kaindoh filed

suit against Michael Fogarty and Dennis Woodruff individually, alleging violations of Title VII, the Civil Rights Act of 1964, violations of M.G.L. c. 151B, Intentional Infliction of Emotional Distress, and violations of the Massachusetts Civil Rights Act. Jackson Lewis LLP filed a notice of appearance on behalf of all defendants, including Dennis Woodruff, on or about June 9, 2005, and Jackson Lewis, LLP has represented Mr. Woodruff throughout this litigation. The parties have conducted extensive paper discovery and are in the process of completing depositions prior to April 16, 2007, the expiration of the discovery deadline.

### **ARGUMENT**

Defendant's motion should be denied because Jackson Lewis, LLP has represented Mr. Woodruff for nearly two years in this litigation. Additionally, the discovery deadline ends on April 16, 2007, and Mr. Woodruff has been noticed for a deposition.

Defendant's motion would only serve to prejudice the Plaintiff Intervenors. The Plaintiff and/or Plaintiff Intervenors have made more than one attempt to schedule the deposition of Dennis Woodruff, to no avail.

Furthermore, although Mr. Woodruff has been represented by Jackson Lewis for nearly two years, this motion is the first attempt to withdraw based upon a potential conflict of interest. Defendant's motion, filed a mere two weeks prior to the expiration of the discovery deadline, will only serve to prevent or hinder Plaintiff Intervenors from completing the deposition of Mr. Woodruff.

Although counsel avers that he made attempts to contact Mr. Woodruff, there is no affirmation that any correspondence was sent to Mr. Woodruff, much less any attempts to send Mr. Woodruff certified letters.

### **CONCLUSION**

WHEREFORE, the Plaintiff Intervenors respectfully request this Court to DENY the Defendant's Motion to Withdraw as Counsel for Individual Defendant Dennis Woodruff. In the alternative, Plaintiff Intervenors request that the Court enter a default judgment against Mr. Woodruff for failing to appear at depositions he was previously noticed to appear at.

### **REQUEST FOR A HEARING**

Plaintiff Intervenors respectfully request this court schedule a hearing on this issue.

Respectfully submitted,

/s/ Todd J. Bennett

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